

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

MERRY F. SHANE, et al.,	:	Civil Action No.: 3:10-cv-50089
Plaintiffs,	:	<i>(Consolidated with Civil Action No.</i>
	:	<i>3:10-cv-50132)</i>
V.	:	
KENNETH E. EDGE, et al.,	:	
Defendants.	:	
	:	

**PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY APPROVAL
OF CLASS ACTION SETTLEMENT, CONDITIONAL CERTIFICATION
OF SETTLEMENT CLASS, APPROVAL OF CLASS NOTICE,
AND SCHEDULING OF A FINAL APPROVAL HEARING**

Plaintiffs Merry F. Shane, Michelle Kretsinger, and Keith Kretsinger (“Named Plaintiffs” or “Plaintiffs”), participants in the Amcore Financial Security Plan (the “Plan”), respectfully move this Court for an Order (1) granting preliminary approval to the proposed class action Settlement Agreement (“Settlement” or the “Settlement Agreement”)¹, (2) certifying the Settlement Class, (3) approving the form and manner of notice of the Settlement to be provided to the proposed Settlement Class (the “Notice Plan”); and (4) providing for a schedule of proceedings including with respect to (a) the dissemination of Class Notice and Notice pursuant to the Class Action Fairness Act (“CAFA”), 28 U.S.C. § 1715, (b) the filing of Objections to any aspect of the Settlement and responses to Objections, (c) the filing of motions for final approval of the Settlement and for attorneys’ fees and expenses, and (d) setting a date for the Final

¹ The Settlement Agreement, attached to the Memorandum of Law as Exhibit A, has several exhibits, including the proposed form of Notice of Settlement and proposed forms of the Preliminary and Final Approval Orders. The provisions of the Settlement Agreement, including all definitions and defined terms, are incorporated by reference herein. Thus, all capitalized terms not otherwise defined in this Motion shall have the same meaning as ascribed to them in the Settlement Agreement.

Approval Hearing. In support of this unopposed motion, Plaintiffs submit a memorandum of law filed contemporaneously herewith.

For the reasons set forth in the accompanying memorandum of law, Plaintiffs submit that the proposed Settlement is fair, reasonable, and adequate. Moreover, the Notice Plan satisfies the requirements of due process and is consistent with that used in analogous actions. Accordingly, Plaintiffs respectfully submit that preliminary approval should be granted, the Settlement Class should be conditionally certified, the Notice Plan should be approved, and a Final Approval Hearing should be scheduled. A form of [Proposed] Order is attached hereto. The proposed Class Notice and CAFA Notice are attached as Exhibits A and B, respectively, to the Proposed Order.

Dated: January 10, 2013

Respectfully submitted

**KESSLER TOPAZ
MELTZER & CHECK, LLP**

By: /s/ Mark K. Gyandoh
Edward W. Ciolko
Peter A. Muhic
Mark K. Gyandoh
Julie Siebert-Johnson
280 King of Prussia Road
Radnor, PA 19087
Telephone: (610) 667-7706
Facsimile: (610) 667-7056

EGLESTON LAW FIRM

By: /s/ Gregory M. Egleston
Gregory M. Egleston
Scott D. Egleston
440 Park Avenue South
New York, NY 10016
Telephone: (212) 683-3400
Facsimile: (212) 683-3402

Co-Lead Interim Class Counsel

MEYER & HORNING, P.C.

Timothy F. Horning
3400 North Rockton Avenue
Rockford, IL 61103
Telephone: (815) 636-9300
Facsimile: (815) 636-9352

Interim Liaison Counsel

RIGRODSKY & LONG, P.A.

Seth D. Rigrodsky
Timothy J. MacFall
825 East Gate Boulevard
Suite 300
Garden City, NY 11530
Telephone: (516) 683-3516
Facsimile: (302) 654-7530

LASKY & RIFKIND, LTD

Norman Rifkind
350 N. LaSalle Street, Suite 1320
Chicago, IL 60610
Telephone: (312) 634-0057
Facsimile: (312) 634-0059

Attorneys for Plaintiffs and the Proposed Class

CERTIFICATE OF SERVICE

I hereby certify that on January 10, 2013, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I certify under penalty of perjury that the foregoing is true and correct.

/s/ Mark K. Gyandoh
Mark K. Gyandoh